

**FINAL STATEMENT OF REASONS  
FOR  
PROPOSED BUILDING STANDARDS  
OF THE  
OFFICE OF THE STATE FIRE MARSHAL  
REGARDING THE ADOPTION BY REFERENCE OF THE  
2012 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE  
WITH AMENDMENTS INTO THE 2013 CALIFORNIA RESIDENTIAL CODE  
CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 2.5**

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The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

**UPDATES TO THE INITIAL STATEMENT OF REASONS**

(Government Code Section 11346.9(a)(1))

The Office of the State Fire Marshal has not added any additional data or any technical, theoretical or empirical studies, reports or similar documents on which the Office of the State Fire Marshal relied on in proposing these amendments to Title 24, Part 2.5 into this Final Statement of Reason.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

(Government Code Section 11346.9(a)(2))

The Office of the State Fire Marshal has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

**OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S)**

(Government Code Section 11346.9(a)(3))

The following is the Office of the State Fire Marshal's summary of and response to comments specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the actions or reasons for making no change:

**COMMENTS RECEIVED DURING THE 45-DAY COMMENT PERIOD.**

Pursuant to the requirements of Government Code Section 11346.8 (c), and Section 44 of Title 1 of the California Code of Regulations, the California Building Standards Commission provided a notice of proposed adoption by reference of the 2012 edition of the International Residential Code with California Amendments into the California Code of Regulations Title 24, Part 2.5 which were the subject of a Notice of Proposed Action, notice File No. Z-2012-0821-12. The text with the modifications clearly indicated, were made available to the public for a 45-day written public comment period from August 31, 2012 to October 15, 2012.

[Section R331 (CBC 3111)]

**Name/Organization:** Joseph H Cain, P.E., SolarCity Corporation

**Comments:** The commenter states that the proposed modification to the CRC would be in conflict with HSC Section 18930 for the duplication of regulations. Further that the regulations may be heard by separate ICC committees.

**Response:** The SFM disagrees and points to the model code itself and the provisions contained in IBC and IFC chapters 9 and 10 which duplicate each other. The SFM is following the format of the model code in this case. Furthermore, the SFM does not believe this action violates the intent of HSC Section 18930 in that the SFM is not creating additional provisions that duplicate other agency or state regulations adopted elsewhere in other Titles of the California Code of Regulations. This action simply reproduces what has been adopted in one part of Title 24 into another and provides clarity for application and enforcement and additional tools for the designer, building, building official or fire official to design or enforce to. Comments made regarding different committees are not related the

California Building Standards Law process but a model code development process in which this proposal is not effected by. The SFM further maintains its position to have these provisions reproduced here based on the Initial Statement of Reasons.

[Section R902.4 (CBC 1509.7.2)]

**Name/Organization:** Ajay Friesen, SunPower Corporation

**Comments:** The commenter states the proposed language for CBC 1509.7.2/CRC R902.4 is not consistent with item 7 of the HSC section 18930. The proposed language calls for a “panel systems” test in accordance with UL 1703. The current method of fire classification being used in UL 1703 accounts for only individual panels, and not “panel systems”. There is no known standard that includes a “panel systems” test which can be referenced in the proposed CBC 1509.7.2/CRC R902.4.

The current proposed language is calling out a test in UL 1703 that is still in development, that is, the proposed code language is referencing a standard for which there is no guarantee the intent of the reference will be met. As such, the proposed language for R902.4 is not consistent with item 3 of the HSC section 18930. Research undertaken by The Solar America Board for Codes and Standards in partnership with Underwriters Laboratories and reported in April 2010 has shown that in some cases roof systems with PV perform poorly when the roof system and PV have the same fire rating. In this testing it was demonstrated that a Class A roof system with a Class A PV module on top performed worse in some cases than a Class A roof system with a Class C PV module on top. The current language of the CBC 1509.7.2/CRC R902.4 proposal, which is based on an expected but not guaranteed standard development, may allow situations, if the standard development does not go as expected, that are unsafe and inconsistent with, and counter to item 3 of the HSC section 18930.

**Response:** The SFM agrees in part and revised the proposed text to state “panels and modules” and not “panel systems”. The SFM disagrees that the UL 1703 is still in development. This standard is an existing standard that once revised will be a much better standard. However, until such time this is the current and nationally recognized standard to test to. Additionally this standard is the current referenced standard in both the 2012 IRC and 2012 IBC and the SFM has not proposed to modify or repeal is and such proposal to do such is beyond the scope of this rulemaking.

Additionally the SFM has removed the proposed exceptions/provisions that would specify conditions for reduction of panel fire classification and mitigation measures for preventing debris during the additional 15-day comment period. The SFM removed the proposed exceptions to CBC 1509.7.2/CRC R908.1.3 as a result of ongoing testing and analysis of the data and results related to direct flame and ember ignition. The SFM intends to bring additional modifications forward during the next rulemaking cycle to address the results of the test and further clarify the fire classification requirements for those proposed in areas subject to California Building Code Chapter 7A or California Residential Code Section R327. Until the SFM moves forward with those additional modifications the fire classification of panels and modules will be based on the building type of construction and having a minimum Class C classification. Additional editorial modification to correct the section reference from 1505.9 to R902.4 was included for CRC 902.4.

#### **DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS**

(Government Code Section 11346.9(a)(4))

The Office of the State Fire Marshal had made an initial determination at the start of the 45-Day Public Comment Period that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective as and less burdensome to affected private persons than the adopted regulation.

#### **REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES**

(Government Code Section 11346.9(a)(5))

No proposed alternatives were received by Office of the State Fire Marshal.

#### **COMMENTS MADE BY THE OFFICE OF SMALL BUSINESS ADVOCATE**

(Government Code Section 11347.6))

The Office of Small Business Advocate did not offer comments to the Office of the State Fire Marshal on this proposed rulemaking action.